

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

STARWOOD CAPITAL GROUP LLC,

Plaintiff,

v.

1&1 MAIL & MEDIA INC. a/k/a 1&1
INTERNET INC., WORLD MEDIA GROUP,
LLC, and JOHN DOE,

Defendants.

CIV. ACTION NO. 14-cv-_____

Judge: _____

Magistrate Judge: _____

ELECTRONICALLY FILED

VERIFIED COMPLAINT

Plaintiff Starwood Capital Group LLC (“Starwood”) for its Complaint against Defendants 1&1 Mail & Media Inc. a/k/a 1&1 Internet Inc. (“1&1”), World Media Group (“WMG”), and John Doe, states as follows:

NATURE OF ACTION

1. This is an action by Starwood against all Defendants for trademark infringement, false designation of origin, and false representation in violation of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a), for common law trademark infringement and unfair competition, for violation of Pennsylvania’s Unfair Trade Practices and Consumer Protection Law; against Defendant John Doe for fraud; and against Defendants 1&1 and WMG for negligence and negligent misrepresentation, all of which are predicated upon acts and omissions which have occurred in this district.

2. Starwood brings this action in order to protect its valuable name, registered trademarks, and reputation, and to prevent unknowing third parties from falling victim to the fraudulent conduct perpetrated and facilitated by Defendants.

THE PARTIES

3. Starwood is a Connecticut limited liability company having a principal place of business located at 597 W. Putnam Ave., Greenwich, CT 06830.

4. Upon information and belief, Defendant 1&1 Mail & Media Inc. a/k/a 1&1 Internet Inc. is a Delaware corporation having a principal place of business located at 701 Lee Road, Suite 300, Chesterbrook, PA 19087.

5. Upon information and belief, Defendant World Media Group, LLC is a New Jersey limited liability company having a principal place of business located at 25 Mountainview Blvd., Suite 204, Basking Ridge, NJ 07920.

6. Upon information and belief, Defendant John Doe is an individual whose location or residence is unknown.

JURISDICTION AND VENUE

7. This Complaint alleges causes of action under the Trademark Act of 1946, 15 U.S.C. § 1051 *et seq.*, common law, and Pennsylvania's Unfair Trade Practices and Consumer Protection Law ("UTPCPL"), 73 P.S. § 201-1 *et seq.*

8. This Court has jurisdiction pursuant to 15 U.S.C. §§ 1114(a), 1121, and 1125(a) and 28 U.S.C. § 1331 and § 1338. This Court has original jurisdiction over any claims brought pursuant to the laws of the Commonwealth of Pennsylvania pursuant to 28 U.S.C. § 1338.

9. Given WMG's and John Doe's extensive and continuous contacts and commercial dealings with 1&1, whose principal place of business is located within this judicial district, this Court's exercise of personal jurisdiction over Defendants is consistent with the Constitutions of the United States and the Commonwealth of Pennsylvania.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c) in that, upon information and belief, Defendants are doing business in this judicial district.

BACKGROUND

11. Founded by Barry S. Sternlicht in 1991, Starwood is a private investment firm that manages tens of billions of dollars in assets.

12. Barry S. Sternlicht remains affiliated with Starwood, as he is its Chairman and Chief Executive Officer.

13. Starwood focuses on real estate markets and other investment disciplines around the world.

14. In connection with its investment services, Starwood is the owner of U.S. Trademark Reg. No. 3,531,551 for the mark “STARWOOD CAPITAL GROUP,” as well as numerous other pending and issued U.S. trademark registrations prominently featuring the term “STARWOOD.” *See, e.g.*, “STARWOOD MORTGAGE CAPITAL” (S/N 85,933,927); “STARWOOD” (Reg. Nos. 3,269,247; 2,891,495; 2,181,927); “STARWOOD PROPERTY TRUST” (S/N 77,750,197) (collectively, the “Starwood Marks”). *See* Ex. A hereto.

15. Registration No. 2,181,927 issued on August 18, 1998 and the “STARWOOD” mark is now incontestable under Section 15 of the Trademark Act. *See* 15 U.S.C. §1065.

16. Given its history of use and extensive trademark portfolio, Starwood has broad and exclusive rights with respect to the Starwood Marks.

17. Starwood recently learned that Defendant John Doe has been sending investment solicitations that are electronically signed by “Barry S. Sternlicht,” and which further identify the sender as the Chairman of “Starwood Capital Europe” and as acting on behalf of “Starwood

Capital Europe Advisers, LLP,” which is a legitimate affiliate of Starwood. *See, e.g.*, Exs. B, C, and D hereto.

18. These messages are being sent from the e-mail address starwood.capital@europe.com and prominently feature the mark “STARWOOD CAPITAL” in the e-mail signature block. *Id.*

19. The starwood.capital@europe.com e-mail address was provided to John Doe by Defendants 1&1 and WMG and is currently maintained by Defendants 1&1 and WMG.

20. WMG is the registrant of the “europe.com” website. *See* Ex. E hereto.

21. Upon information and belief, Defendant 1&1 has the rights from WMG to license e-mail accounts using the “europe.com” domain name, including the e-mail account starwood.capital@europe.com.

22. Using this e-mail address provided and maintained by Defendants 1&1 and WMG, Defendant John Doe is sending messages stating “your desired investor” in the subject line and seeking to establish investment relationships with unsuspecting recipients who have assumed and may reasonably continue to assume that the e-mail is related to, affiliated with, or sponsored by Starwood.

23. Starwood has received inquiries from individuals who have been solicited by Defendant John Doe for investments through the e-mail account starwood.capital@europe.com, and who are confused by and/or suspicious of Defendant John Doe’s representations that he is “Barry S. Sternlicht” and is acting on behalf of Starwood through “Starwood Capital Europe Advisers, LLP.” *See* Ex. D hereto.

24. Starwood has not authorized or approved any of the foregoing uses of the Starwood Marks or Mr. Sternlicht’s identity.

25. On two separate occasions--February 4, 2014 and February 21, 2014--Starwood informed Defendants 1&1 and WMG of Defendant John Doe's infringing and misleading conduct and requested that they take action to terminate the starwood.capital@europe.com e-mail account and provide Starwood with documents and information regarding Defendant John Doe's identity. *See* Ex. F hereto.

26. Defendants 1&1 and WMG have *twice* represented that they have "permanently locked" the account (*see* Ex. G hereto), but Starwood subsequently learned that Defendant John Doe continued to use the account to solicit investors, even after Defendants 1&1 and WMG's representations that the account was "permanently locked." *See* Ex. D hereto. Upon information and belief, Defendant John Doe continues to use the account.

27. Defendants have refused to provide any documents or information regarding the account, including documents or information regarding Defendant John Doe's identity. *See* Ex. G hereto.

28. Starwood will be irreparably harmed by (a) the continued operation of the e-mail account registered as starwood.capital@europe.com; (b) the continued misrepresentations through the e-mail account by Defendant John Doe that he is "Barry S. Sternlicht" or that he is the "Barry S. Sternlicht" who founded and remains affiliated with Starwood; (c) the continued misrepresentations through the e-mail account by Defendant John Doe that he is affiliated in any way with Starwood or through the entity "Starwood Capital Europe Advisers, LLP;" (d) the continued failure of Defendants to provide documents and information regarding the e-mail account and Defendant John Doe's identity; (e) the loss of its good will and business reputation; and (f) the loss of revenue, which is impossible to ascertain at this time.

**COUNT I – REGISTERED TRADEMARK INFRINGEMENT
AS TO ALL DEFENDANTS**

29. Starwood repeats and realleges the allegations contained in paragraphs 1 through 28.

30. As a result of Starwood's longstanding and continuous use of the federally-registered Starwood Marks, the marks "STARWOOD," "STARWOOD CAPITAL," and others are associated with Starwood and its worldwide provision of investment services.

31. Starwood's valued reputation and goodwill depends upon its ability to unambiguously identify itself under its Starwood Marks.

32. Starwood has developed considerable goodwill and recognition in the Starwood Marks, and, consequently, the public has come to associate the Starwood Marks with Starwood and its services.

33. Defendants are engaged in and/or facilitating the solicitation of potential investors using the marks "STARWOOD" and "STARWOOD CAPITAL."

34. Defendants' use of the marks "STARWOOD" and "STARWOOD CAPITAL" is likely to cause confusion, among the public and within the industry, with Starwood's services offered under the Starwood Marks, and in fact has already caused confusion.

35. Starwood is aware of specific instances of actual confusion among the public as between investment services offered by Starwood and the investment solicitations being disseminated by Defendants which use the marks "STARWOOD" and "STARWOOD CAPITAL".

36. Defendants' use of the marks "STARWOOD" and "STARWOOD CAPITAL" is likely to continue to:

- (a) cause confusion, mistake and/or deception; and/or
- (b) give the false and misleading impression that:
 - (i) the services offered, provided, or facilitated by Defendants and Starwood originate with or are under the control of a single source or are backed or endorsed by a single source; or
 - (ii) Defendants are a subsidiary of or licensed by, or in some way associated with, connected or related to Starwood; and/or
- (c) lead to the passing off of Defendants' services as Starwood's; and/or
- (d) injure Starwood's business reputation and/or the trading value and goodwill attached to the Starwood Marks.

37. Defendants' acts constitute trademark infringement in violation of 15 U.S.C. §§ 1114, *et seq.*

COUNT II – FALSE DESIGNATION OF ORIGIN AS TO ALL DEFENDANTS

38. Starwood realleges the allegations set forth in paragraphs 1 through 37.

39. Defendants' marketing and promotion of investment services under the marks "STARWOOD" and "STARWOOD CAPITAL" constitute a false designation of origin and false description or representation tending to falsely describe and/or represent Defendants e-mail solicitations as emanating from Starwood.

40. Defendants 1&1 and WMG, with knowledge of the falsity of Defendant John Doe's designations of origin, descriptions, and/or representations, have continued to permit and to facilitate the ongoing use of the marks "STARWOOD" and "STARWOOD CAPITAL" in

connection with John Doe's fraudulent and infringing e-mails which market and promote Defendant John Doe's investment services.

41. Starwood believes that it has already been damaged and it is likely to continue to be damaged by Defendants' use of such false designations of origin, descriptions, and/or representations, all in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

**COUNT III – COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR
COMPETITION AS TO ALL DEFENDANTS**

42. Starwood repeats and realleges the allegations set forth in paragraphs 1 through 41.

43. The relevant consuming public associates and identifies the Starwood Marks, when used in connection with the promotion, marketing, and delivery of investment services, with Starwood.

44. Defendant John Doe's adoption and use of the marks "STARWOOD" and "STARWOOD CAPITAL" and Defendants' e-mail solicitations incorporating the same in a manner designed to appear as if they are emanating from Starwood, amount to trademark infringement and unfair competition under Pennsylvania common law.

**COUNT IV – VIOLATION OF PENNSYLVANIA'S UNFAIR TRADE
PRACTICES AND CONSUMER PROTECTION LAW ("UTPCPL")
AS TO ALL DEFENDANTS**

45. Starwood repeats and realleges the allegations set forth in paragraphs 1 through 44.

46. Defendants' conduct constitutes unfair and deceptive trade practices in violation of 73 P.S. §201-1 *et seq.*

47. Upon information and belief, Defendants' acts and omissions alleged herein are calculated to deceive, and are likely to cause confusion or misunderstanding as to the source,

sponsorship, approval or certification of Defendants' services in the mistaken belief that they are sponsored by, affiliated with, or emanate from Starwood.

48. Starwood has suffered and will continue to suffer irreparable harm and damage as a result of Defendants' wrongful acts alleged herein. Plaintiff has no adequate remedy at law.

49. Pursuant to the UTPCPL, Defendants are liable to Starwood for attorneys' fees and costs as the result of their conduct in violation of the UTPCPL.

COUNT V – FRAUD AS TO DEFENDANT JOHN DOE

50. Starwood repeats and realleges the allegations set forth in paragraphs 1 through 49.

51. Through the starwood.capital@europe.com e-mail account, Defendant John Doe has falsely represented and upon information and belief continues to falsely represent himself to be "Barry S. Steinlicht," or at least, the "Barry S. Sternlicht" who is affiliated with Starwood. He also has falsely represented and upon information and belief continues to falsely represent that he is affiliated with or acting on behalf of "Starwood Capital Europe Advisers, LLP."

52. Upon information and belief, Defendant John Doe knows that these representations are false.

53. Upon information and belief, Defendant John Doe made these misrepresentations with the intent of misleading others into relying on them.

54. Upon information and belief, individuals have justifiably relied on Defendant John Doe's misrepresentations, in that they have contacted Starwood to follow-up on business dealings initiated by Defendant John Doe.

55. Starwood has suffered and will continue to suffer irreparable harm and damage as a result of Defendant John Doe's wrongful acts alleged herein. Plaintiff has no adequate remedy at law.

56. Defendant John Doe's conduct was and is outrageous, reckless, willful and wanton, so as to justify an award of punitive damages.

COUNT VI - NEGLIGENCE AS TO DEFENDANTS 1&1 AND WMG

57. Starwood repeats and realleges the allegations set forth in paragraphs 1 through 56.

58. Defendants 1&1 and WMG owed Starwood a duty, upon learning from Starwood of the infringing and misleading conduct through the e-mail account starwood.capital@europe.com, to take actions to prevent further and continuing infringement and misleading conduct.

59. Defendants 1&1 and WMG breached that duty to Starwood by failing to take actions, including but not limited to permanently terminating the e-mail account starwood.capital@europe.com and providing Starwood with documents and information regarding the account and necessary to identify John Doe, that could have prevented further and continuing infringement and misleading conduct.

60. Defendants 1&1 and WMG's breach of duty proximately caused and will continue to cause irreparable harm and damage to Starwood. Plaintiff has no adequate remedy at law.

61. Defendants 1&1 and WMG's conduct was outrageous, reckless, willful and wanton, so as to justify an award of punitive damages.

**COUNT VII – NEGLIGENT MISREPRESENTATION
AS TO DEFENDANTS 1&1 AND WMG**

62. Starwood repeats and realleges the allegations set forth in paragraphs 1 through 61.

63. In response to Starwood’s cease and desist requests, Defendants 1&1 and WMG misrepresented that the e-mail account starwood.capital@europe.com had been “permanently locked,” when, upon information and belief, it had not been, as evidenced by Defendant John Doe’s use of the account after the dates upon which Defendants 1&1 and WMG claimed that they had “permanently locked” the account.

64. At the time Defendants 1&1 and WMG made these material misrepresentations, they should have known that they were false, as they were in control of the e-mail account.

65. Defendants 1&1 and WMG’s material misrepresentations were made in an effort to induce Starwood to rely on them. Defendants 1&1 and WMG wanted to end Starwood’s inquiries into the status of the account and the identity of the account-holder.

66. Starwood justifiably relied on Defendants’ misrepresentations that the account had been “permanently locked” to its detriment, in that Starwood was misled into believing that the account had been terminated, when in fact, it had not, thereby allowing infringing and misleading conduct to continue against Starwood.

67. Defendants 1&1 and WMG’s conduct was outrageous, reckless, willful and wanton, so as to justify an award of punitive damages.

WHEREFORE, Starwood prays for entry of judgment as follows:

A. That the Court declare that Defendants have violated Sections 32(a) and 43(a) of the Lanham Act;

B. That Defendants, their officers, agents, sales representatives, servants, employees, associates, subsidiaries, affiliates, franchisees, attorneys, successors and assigns, and all persons acting by, through, under or in active concert or participation with any of them be preliminarily and permanently enjoined from:

1. Using the name, mark, or term “STARWOOD,” either standing alone or in combination with any other word or words, in connection with the marketing, promotion, and delivery of investment-related services;

2. Using any name or mark confusingly similar to “STARWOOD” to identify themselves or their services while offering or facilitating investment-related services;

3. Engaging in any course of conduct likely to enable Defendants to benefit from the valuable goodwill and reputation established in the Starwood Marks; and

4. Engaging in any course of conduct calculated or likely to mislead the public into believing that Defendants’ services are the same as, related to, sponsored by, or affiliated with Starwood’s services;

5. Using the name “Barry S. Sternlicht,” either individually, or in connection with any reference to “STARWOOD.”

C. That all websites, e-mail addresses (including but not limited to the e-mail account registered as starwood.capital@europe.com), promotional literature, printed material, and all means used for publication and distribution thereof in the custody or under the control of any of the Defendants and bearing the name, mark, or term “STARWOOD” be terminated, unregistered, and/or destroyed in accordance with 15 U.S.C. § 1118;

D. Awarding Starwood compensatory and punitive damages to which it is entitled under applicable federal, state and common law.

E. That Defendants be required to account to Starwood for all profits realized by them from the provision of services related to solicitations and offers featuring the name, mark, or term “STARWOOD” and for all damages sustained by Starwood on account of the infringement and unfair competition set forth above, and that said damages be trebled;

F. That Starwood recovers from Defendants its reasonable attorneys' fees, taxable costs and disbursements of this action, pursuant to 15 U.S.C. § 1117, in view of Defendants' willful infringement;

G. That Starwood recovers from Defendants its reasonable attorneys' fees and costs under the Pennsylvania UTPCPL.

H. That Defendants 1&1 and WMG provide Starwood with all documents and information requested, including all documents and information that identify or could assist in identifying Defendant John Doe and/or the owner of the e-mail account registered as starwood.capital@europe.com.

I. That Defendants make a full report to this Court of their compliance with the foregoing within 40 days of the judgment herein; and

J. That Starwood be granted such other and further relief as this Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), plaintiff hereby requests a trial by jury.

Dated: April 23, 2014

Respectfully submitted,

/s/ Tracy Zurzolo Quinn

Tracy Zurzolo Quinn

PA Bar No. 71072

REED SMITH LLP

Three Logan Square

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

Telephone: (215) 851-8286

Facsimile: (215) 851-1420

E-mail: tquinn@reedsmith.com

Attorneys for Plaintiff

Starwood Capital Group LLC

VERIFICATION

Under the penalty of perjury and pursuant to 28 U.S.C. § 1746, I, Jerome C. Silvey, hereby declare that the facts set forth in this Verified Complaint are true and correct to the best of my knowledge, information, and belief.

Dated: April 23, 2014

By:  _____

Name: Jerome C. Silvey

Title: Executive Vice President

Dated: April 23, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2014, I caused a true and accurate copy of the foregoing **Verified Complaint** to be served on the following:

Via Overnight Delivery and E-mail:

1&1 Mail & Media Inc. a/k/a 1&1 Internet Inc.
c/o Legal Compliance
701 Lee Road, Suite 300
Chesterbrook, PA 19087
legalnotice@mail.com
legal@landl.com

1&1 Internet Inc.
c/o J. Christopher Erb
The Erb Law Firm, PC
5901 Ridge Avenue
Philadelphia, PA 19128
jcerb@erblaw.com

World Media Group
90 Washington Valley Road, #1128
Bedminster, NJ 07921
corp@world.com

World Media Group
25 Mountainview Blvd., Suite 204
Basking Ridge, NJ 07920

Via E-mail:

John Doe identifying himself as "Barry S. Sternlicht"
starwood.capital@europe.com

/s/ Tracy Zurzolo Quinn
Counsel for Plaintiff

EXHIBIT A

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 3,531,551

United States Patent and Trademark Office

Registered Nov. 11, 2008

**SERVICE MARK
PRINCIPAL REGISTER**



STARWOOD CAPITAL GROUP LLC (CONNECTI-
CUT LIMITED LIABILITY COMPANY)
591 PUTNAM AVENUE
GREENWICH, CT 06830

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CAPITAL GROUP", APART FROM
THE MARK AS SHOWN.

FOR: REAL ESTATE INVESTMENT SERVICES,
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SN 77-051,246, FILED 11-27-2006.

FIRST USE 11-0-2006; IN COMMERCE 11-0-2006.

OWNER OF U.S. REG. NOS. 2,313,331 AND
2,313,334.

WILLIAM BRECKENFELD, EXAMINING ATTOR-
NEY



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Word Mark STARWOOD MORTGAGE CAPITAL

Goods and Services IC 035. US 100 101 102. G & S: REAL ESTATES SALES MANAGEMENT; REAL ESTATE MARKET ANALYSIS; PROVIDING STATISTICAL INFORMATION AND INDEXES OF MORTGAGES, INTERESTS, AND PRICES FOR OTHERS; MATCHING BORROWERS WITH POTENTIAL LENDERS IN THE FIELD OF MORTGAGE LENDING

IC 036. US 100 101 102. G & S: REAL ESTATE BROKERAGE SERVICES; COMMERCIAL AND RESIDENTIAL REAL ESTATE AGENCY SERVICES; FINANCING OF REAL ESTATE DEVELOPMENT PROJECTS; REAL ESTATE ACQUISITION SERVICES; REAL ESTATE INVESTMENT SERVICES; REAL ESTATE FUNDS INVESTMENT SERVICES; FINANCIAL SERVICES, NAMELY, THE PURCHASE OF COMMERCIAL AND RESIDENTIAL MORTGAGES ON BEHALF OF OTHERS AND THE ISSUANCE OF MORTGAGE-BACKED SECURITIES; FINANCIAL SERVICES, NAMELY, MORTGAGE PLANNING; FINANCIAL SERVICES, NAMELY, MORTGAGE REFINANCING; MORTGAGE BANKING; MAINTAINING MORTGAGE ESCROW ACCOUNTS; MORTGAGE BROKERAGE; MORTGAGE LENDING; MORTGAGE REFINANCING; LEASE OF REAL ESTATE; PROVIDING INFORMATION IN THE FIELD OF REAL ESTATE VIA THE INTERNET; REAL ESTATE MANAGEMENT SERVICES; REAL ESTATE SERVICES, NAMELY, LEASING AND MANAGEMENT FOR OTHERS OF RESIDENTIAL CONDOMINIUMS LOCATED WITHIN HOTEL DEVELOPMENTS

IC 037. US 100 103 106. G & S: REAL ESTATE DEVELOPMENT; REAL ESTATE DEVELOPMENT AND CONSTRUCTION OF COMMERCIAL, RESIDENTIAL AND HOTEL PROPERTY

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 01.01.03 - Star - a single star with five points

Search Code 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85933927

Filing Date May 16, 2013
Current Basis 1B
Original Filing Basis 1B
Published for Opposition November 12, 2013
Owner (APPLICANT) Starwood Capital Group, L.L.C. LIMITED LIABILITY COMPANY CONNECTICUT 591 Putnam Avenue Greenwich CONNECTICUT 06830
Attorney of Record Stephen G. Janoski
Prior Registrations 2181927;2891495;3269247;3531551
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MORTGAGE CAPITAL" APART FROM THE MARK AS SHOWN
Description of Mark The color(s) white, blue, and black is/are claimed as a feature of the mark. The mark consists of a stylized star design in the color white displayed on the top left corner of a square background in the color blue under which contains the word "STARWOOD" in the color white and below which square background contains the wording "MORTGAGE CAPITAL" in the color black.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Int. Cl.: 36

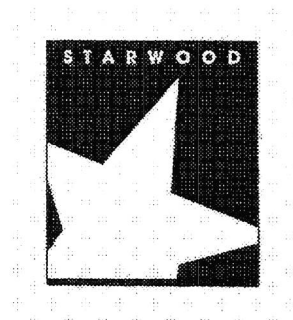
Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,269,247

Registered July 24, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



STARWOOD CAPITAL GROUP LLC (CONNECTI-
CUT LTD LIAB CO)
591 WEST PUTNAM AVENUE
GREENWICH, CT 06830

OWNER OF U.S. REG. NOS. 2,256,510, 2,419,926,
AND OTHERS.

FOR: REAL ESTATE INVESTMENT SERVICES,
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SN 78-525,457, FILED 12-1-2004.

FIRST USE 1-13-1994; IN COMMERCE 1-13-1994.

KRISTINA MORRIS, EXAMINING ATTORNEY

Int. Cls.: 35, 39, and 42

Prior U.S. Cls.: 100, 101, 102, and 105

United States Patent and Trademark Office

Reg. No. 2,891,495

Registered Oct. 5, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

STARWOOD

STARWOOD CAPITAL GROUP L.L.C. (CONNECTICUT LIMITED LIABILITY COMPANY)
591 WEST PUTMAN AVENUE
GREENWICH, CT 06630

FOR: PROVIDING FACILITIES FOR BUSINESS MEETINGS AND CONFERENCES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-30-1999; IN COMMERCE 6-30-1999.

FOR: PROVIDING INFORMATION ON HOLIDAY VACATIONS AND TRIPS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 6-30-1999; IN COMMERCE 6-30-1999.

FOR: HOTEL, MOTEL, RESORT HOTEL AND MOTOR INN SERVICES, MAKING HOTEL RESERVATIONS FOR OTHERS; RESTAURANT, BAR AND CATERING SERVICES; FOOD AND BEVERAGE PREPARATION SERVICES, CAFE AND CAFETERIA SERVICES; BEAUTY SALON AND HAIR DRESSING SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 6-30-1999; IN COMMERCE 6-30-1999.

OWNER OF U.S. REG. NOS. 2,119,637, 2,181,927, AND OTHERS.

SN 76-031,365, FILED 4-21-2000.

LESLIE RICHARDS, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,181,927

United States Patent and Trademark Office

Registered Aug. 18, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

STARWOOD

STARWOOD CAPITAL GROUP, L.L.C. (CON-
NECTICUT LIMITED LIABILITY COMPANY)
THREE PICKWICK PLAZA, SUITE 250
GREENWICH, CT 06830

FIRST USE 9-20-1991; IN COMMERCE
9-20-1991.

SER. NO. 75-229,277, FILED 1-22-1997.

FOR: REAL ESTATE INVESTMENT SERV-
ICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

ESTHER A. BORSUK, EXAMINING ATTOR-
NEY



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STARWOOD PROPERTY TRUST

Word Mark STARWOOD PROPERTY TRUST

Goods and Services IC 035. US 100 101 102. G & S: REAL ESTATE MARKETING SERVICES, NAMELY, PROMOTION OF COMMERCIAL REAL ESTATE

IC 036. US 100 101 102. G & S: INVESTMENT MANAGEMENT SERVICES; FUND INVESTMENT MANAGEMENT SERVICES; PRIVATE EQUITY FUND MANAGEMENT SERVICES; REAL ESTATE INVESTMENT TRUST SERVICES; REAL ESTATE TRUST MANAGEMENT SERVICES; REAL ESTATE INVESTMENT SERVICES; REAL ESTATE BROKERAGE SERVICES; REAL ESTATE APPRAISAL SERVICES; REAL ESTATE VALUATION SERVICES; REAL ESTATE ACQUISITION SERVICES; REAL ESTATE FINANCING SERVICES; FINANCIAL DUE DILIGENCE SERVICES IN THE FIELD OF REAL ESTATE; FINANCIAL CONSULTING IN THE FIELD OF REAL ESTATE; FINANCIAL INVESTMENT IN THE FIELD OF REAL ESTATE; FINANCING OF REAL ESTATE DEVELOPMENT PROJECTS; REAL ESTATE INVESTMENT ADVICE SERVICES; INVESTMENT RESEARCH, NAMELY, REAL ESTATE FINANCIAL INVESTMENT RESEARCH

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77750197

Filing Date June 2, 2009

Current Basis 1B

Original Filing Basis 1B

Published for Opposition January 1, 2013

Owner (APPLICANT) Starwood Capital Group Global, L.P. SCGGGP, L.L.C. a Delaware limited liability company LIMITED PARTNERSHIP DELAWARE 1209 Orange Street Wilmington DELAWARE 19801

Attorney of Record Stephen G. Janoski
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PROPERTY TRUST" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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EXHIBIT B

Von: Barry Sternlicht <starwood.capital@europe.com>
An: ★ marketing@gold-silberfuchs.de
Ordner: marketing@gold-silberfuchs.de/Posteingang
x-mailer: GMX.com Web Mailer
Datum: Tue, 28 Jan 2014 12:22:25 -0500
Betreff: Investor gesucht

Sehr geehrte Damen und Herren,

Hinsichtlich Ihrer Annonce, in der www.seekgo.de möchte ich mein Interesse bekunden.

Mein Name ist Barry Sternlicht bin Chairman der Private Investmentgesellschaft Starwood Capital Europe in Großbritannien.

Aufgrund der Wirtschaftlichen Situation bin ich auf Privatem Wege auf der Suche nach lukrativen und profitablen Projekten/Unternehmen auch Immobilieninvestments, v
erst nähere Informationen per Email zukommen zu lassen.

Es würde mich freuen, Ihr Interesse geweckt zu haben und bald von Ihnen zu hören.

Mit freundlichen Grüßen

Barry S.Sternlicht

STARWOOD CAPITAL EUROPE
Advisers,LLP
4th Floor
W1S 1BX London
United Kingdom
Tel +44 2070487715
Fax +44 2070487716London
starwood.capital@europe.com

EXHIBIT C

From: [REDACTED]
Sent: Tuesday, January 21, 2014 11:10 AM
To: tmassa@starwood.com
Subject: Fw: Investor gesucht

Dear Mrs. Massa,

my name is [REDACTED] from Germany.

I've got this mail below from a person, who answered to my placed ad in a german news paper (Süddeutsche Zeitung)
(I am looking for a partner who will invest money in my company)

This person was posing himself as Barry S. Sternlicht and phoned me at 16:00 pm our time in Germany.

The guy talked with me in german language without any american sound!

In the first moment I was very happy having found an investor for my business! (He wanted to invest an amount about 1 million €).

But I suppose there is something illegal running!!!! (have a look to the phone number and the mail adress at the end from his email!)

I'll send you all the mail correspondence I' got with him.

If you have any questions, feel free to contact me by phone: [REDACTED] or by mail: [REDACTED]

Kind regards from Germany

[REDACTED]

----- Original Message -----

From: Barry Sternlicht
Sent: 01/20/14 11:07 AM
To: [REDACTED]
Subject: Investor gesucht

Sehr geehrte Damen und Herren,

Hinsichtlich Ihrer Annonce, in der Süddeutsche Zeitung möchte ich mein Interesse bekunden.

Mein Name ist Barry Sternlicht bin Chairman der Private Investmentgesellschaft Starwood Capital Europe in Großbritannien.

Aufgrund der Wirtschaftlichen Situation bin ich auf Privatem Wege auf der Suche nach lukrativen und profitablen Projekten/Unternehmen auch Immobilieninvestments, wobei ich mein Privatkapital als Stiller Teilhaber/Investor einbringen würde. Um mir ein näheres Bild von Ihrem Projekt verschaffen zu können, würde ich Sie bitten, mir erst nähere Informationen per Email zukommen zu lassen.

Es würde mich freuen, Ihr Interesse geweckt zu haben und bald von Ihnen zu hören.

Mit freundlichen Grüßen

Barry S. Sternlicht

STARWOOD CAPITAL EUROPE
Advisers, LLP
4th Floor
W1S 1BX London
United Kingdom
Tel +44 2070487715
Fax +44 2070487716 London
starwood.capital@europe.com

EXHIBIT D

----- On 04.04.2014, at 16:26, Jerome Silvey <SilveyJ@Starwood.com> wrote -----

Dear [REDACTED],
thank you for your note. Please be assured that Barry Sternlicht from Starwood Capital Group is not the person to whom you have been talking. Furthermore, this person (whoever he is) has no authorization to act as a representative of Mr. Sternlicht or Starwood Capital.
Sincerely,

Jerome C. Silvey Jr.
EVP & CFO
Starwood Capital Group

----- Original message -----

From: [REDACTED]
Date: 04/04/2014 6:08 AM (GMT-05:00)
To: Jerome Silvey
Subject: Fwd: Investor gesucht

Dear Mr. Silvery,

I am wishing to check a contact. A Mr. Sternlicht contacted us from your company.

We are looking for an investor in [REDACTED] and Mr. Sternlicht responded to our ad.

Does he work for you?

Respectfully,

[REDACTED]

----- Begin forwarded message -----

From: Barry Sternlicht <starwood.capital@europe.com>
Date: 30. März 2014 14:28:26 MESZ
To: [REDACTED]
Subject: Investor gesucht

Sehr geehrte Damen und Herren,

Hinsichtlich Ihrer Annonce, in der Welt am Sonntag möchte ich mein Interesse bekunden.

Mein Name ist Barry Sternlicht bin Chairman der Private Investmentgesellschaft Starwood Capital Europe in Großbritannien.

Aufgrund der Wirtschaftlichen Situation bin ich auf Private m Wege auf der Suche nach lukrativen und profitablen Projekten/Unternehmen auch Immobilieninvestments, wobei ich mein Privatkapital als Stiller Teilhaber/Investor einbringen würde. Um mir ein näheres Bild von Ihrem Projekt verschaffen zu können, würde ich Sie bitten, mir erst nähere Informationen per Email zukommen zu lassen.

Es würde mich freuen, Ihr Interesse geweckt zu haben und bald von Ihnen zu hören.

Mit freundlichen Grüßen

Barry S.Sternlicht

STARWOOD CAPITAL EUROPE
Advisers,LLP
4th Floor
W1S 1BX London
United Kingdom
Tel +44 2070487715
Fax +44 2070487716London
starwood.capital@europe.com

IMPORTANT: The information contained in this e-mail message is confidential and is intended only for the named addressee(s). This message may be protected by the attorney/client privilege. If the reader of this e-mail message is not the intended recipient (or the individual responsible for the delivery of this e-mail message to the intended recipient), please be advised that any re-use, dissemination, distribution or copying of this e-mail message is prohibited. If you have received this e-mail message in error, please reply to the sender that you have received this e-mail message in error and then delete it. Thank you.

EXHIBIT E

[Network Solutions](#) >> [Whois](#) >> Results

[Log In](#)

- [Search](#)
- [Renew](#)
- [Transfer](#)
- [Features](#)
- [Private Registration](#)
- [Protect](#)
- [Forward](#)

WHOIS Results for europe.com

Available domain names similar to europe.com

Premium Resale Domains

<input type="checkbox"/> ioneurope.com	\$1,995
<input type="checkbox"/> euro-pe-bet.com	\$850
<input type="checkbox"/> europeee.org	\$288
<input type="checkbox"/> europepopulation.com	\$849
<input type="checkbox"/> lodgingeurope.com	\$2,895
<input type="checkbox"/> europearts.com	\$5,000
<input type="checkbox"/> europei.com	\$3,588

[View more](#)

Add Selected to Cart

europe.com

Is this your domain name? [Renew it now.](#)

Domain Name: europe.com

Registry Domain ID: 3082846_DOMAIN_COM-VRSN

Registrar WHOIS Server: whois.register.com

Registrar URL: http://www.register.com

Updated Date: 2010-07-01T00:00:00-0400

Creation Date: 1994-10-04T00:00:00-0400

Registrar Registration Expiration Date: 2017-10-03T00:00:00-0400

Registrar: Register.com

Registrar IANA ID: 9

Registrar Abuse Contact Email: abuse@web.com

Registrar Abuse Contact Phone: +1.8773812449

Reseller:

Domain Status: clientTransferProhibited

Registry Registrant ID:

Registrant Name: ATTN Domain Inquiries

Registrant Organization: World Media Group, LLC

Registrant Street: 90 Washington Valley Rd., #1128

Registrant City: Bedminster
Registrant State/Province: NJ
Registrant Postal Code: 07921
Registrant Country: US
Registrant Phone: +1.9089030200
Registrant Phone Ext.:
Registrant Fax: +1.9082759105
Registrant Fax Ext.:
Registrant Email: domains@world.com
Registry Admin ID:
Admin Name: ATTN Domain Inquiries
Admin Organization: World Media Group, LLC
Admin Street: 90 Washington Valley Rd., #1128
Admin City: Bedminster
Admin State/Province: NJ
Admin Postal Code: 07921
Admin Country: US
Admin Phone: +1.9089030200
Admin Phone Ext.:
Admin Fax: +1.9082759105
Admin Fax Ext.:
Admin Email: domains@world.com
Registry Tech ID:
Tech Name: ATTN Domain Inquiries
Tech Organization: World Media Group, LLC
Tech Street: 90 Washington Valley Rd., #1128
Tech City: Bedminster
Tech State/Province: NJ
Tech Postal Code: 07921
Tech Country: US
Tech Phone: +1.9089030200
Tech Phone Ext.:
Tech Fax: +1.9082759105
Tech Fax Ext.:
Tech Email: domains@world.com
Name Server: pdns3.ultradns.org
Name Server: pdns2.ultradns.net
Name Server: pdns1.ultradns.net
Name Server: pdns4.ultradns.org
DNSSEC: Unsigned
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.in>
>>> Last update of WHOIS database: 2010-07-01T00:00:00-0400 <<<

The data in Register.com's WHOIS database is provided to you by Register.com for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration record. Register.com makes this information available "as is," and does not guarantee its accuracy. By submitting a WHOIS query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, electronic mail, or by telephone; or (2) enable high volume, automated, electronic processes that apply to Register.com (or its systems). The compilation, repackaging, dissemination or other use of this data is expressly prohibited without the prior written consent of Register.com. Register.com reserves the right to modify these terms at any time. By submitting this query, you agree to abide by these terms.

EXHIBIT F



Kirsten R. Rydstrom
Direct Phone: +1 412 288 7284
Email: krydstrom@reedsmith.com

Reed Smith LLP
Reed Smith Centre
225 Fifth Avenue
Pittsburgh, PA 15222-2716
Tel +1 412 288 3131
Fax +1 412 288 3063
reedsmith.com

February 4, 2014

Via Email (legalnotice@mail.com; corp@world.com) and UPS Mail

1&1 Mail & Media Inc.
c/o Legal Compliance
701 Lee Road, Suite 300
Chesterbrook, PA 19087

World Media Group,
90 Washington Valley Road, # 1128,
Bedminster, NJ 07921

Re: starwood.capital@europe.com

Dear Sir/Madam:

Reed Smith acts as outside intellectual property and litigation counsel to Starwood Capital Group LLC and its related affiliates (collectively, "Starwood"). We are contacting you concerning fraudulent and infringing emails that are being sent by way of an email account provided by 1&1 Mail & Media Inc. ("1&1").

Founded by Barry S. Sternlicht in 1991, Starwood is a private investment firm that manages tens of billions of dollars in assets. Starwood focuses on real estate markets and other investment disciplines around the world.

In connection with its investment services, Starwood is the owner of U.S. Trademark Reg. No. 3,531,551 for the mark "STARWOOD CAPITAL GROUP" (*see* Ex. A hereto) – as well as numerous other pending and issued U.S. trademark registrations prominently featuring the term "STARWOOD." *See, e.g.*, "STARWOOD MORTGAGE CAPITAL" (S/N 85,933,927); "STARWOOD" (Reg. Nos. 3,269,247; 2,891,495; 2,181,927); "STARWOOD PROPERTY TRUST" (S/N 77,750,197) (collectively, the "Starwood Marks"). Registration No. 2,181,927 issued on August 18, 1998 and the "STARWOOD" mark is now incontestable under Section 15 of the Trademark Act. *See* 15 U.S.C. §1065. Given its history of use and extensive trademark portfolio, Starwood has broad and exclusive rights with respect to the Starwood Marks.

Starwood recently learned that an individual or entity has been sending investment solicitations that are electronically signed by "Barry S. Sternlicht," and which further identify the sender as the Chairman of "Starwood Capital Europe." *See, e.g.*, Exs. B and C hereto. These messages are being sent from the email address starwood.capital@europe.com and prominently feature the mark "STARWOOD CAPITAL" in the email signature block. The messages state "your desired investor" in the subject line and seek to establish investment relationships with unsuspecting recipients who may reasonably assume that the email is related to Starwood. As explained in Ex. C, the second attached email was targeted at

1&1 Mail & Media Inc.
February 4, 2014
Page 2

ReedSmith

an individual who was in the process of identifying potential investment partners and was actually accompanied by a follow-up phone call by an individual claiming to be Mr. Barry S. Sternlicht. Neither Starwood nor Mr. Sternlicht has authorized or approved any of the foregoing uses of the Starwood Marks or Mr. Sternlicht's identity.

The fraudulent and infringing nature of the above-described emails implicates numerous federal civil and criminal statutes, including claims for trademark infringement under 15 U.S.C. § 1114 and false designation of origin and false advertising under 15 U.S.C. § 1125(a), as well as common law trademark infringement. *See, e.g., Audi AG v. Shokan Coachworks, Inc.*, 592 F. Supp. 2d 246, 279 (N.D.N.Y. 2008) (granting summary judgment of trademark infringement based on defendant's use of plaintiff's mark in its emails). The fact that the party sending these emails is seeking to establish a fiduciary relationship with the unsuspecting recipients heightens Starwood's concerns.

By way of this letter, Starwood demands that 1&1 Mail & Media Inc. take swift and decisive action to prevent any further dissemination of messages emanating from any email address that includes the terms "STARWOOD", "STARWOOD CAPITAL", or any confusingly similar derivation thereof, including but not limited to the starwood.capital@europe.com email address. Such action is necessary to prevent any further harm to Starwood's reputation or the Starwood Marks and, more importantly, to protect the public at large. **Please confirm within five (5) days whether you have complied with this letter.** If we do not hear from you or if you choose not comply with the requests above, Starwood will be forced to investigate potential legal action, and in that case, reserves the right to seek attorneys' fees and punitive damages.

By my signature below, I declare under penalty of perjury that: (i) Starwood is the owner of the Starwood Marks as described above; (ii) the Starwood Marks have been infringed by the unauthorized actions described above; and (iii) the statements in this notification are accurate and made in good faith. Nothing in this letter is meant to waive, nor may be construed as waiving, any rights held by the Starwood, all of which are expressly reserved.

Very truly yours,



Kirsten R. Rydstrom
Reed Smith LLP

KRR:mkl

Enclosures

cc: starwood.capital@europe.com

Hughes, Clay P.

From: Rydstrom, Kirsten R.
Sent: Friday, February 21, 2014 6:22 PM
To: '1&1 Legal'
Cc: legalnotice@mail.com
Subject: RE: starwood.capital@europe.com - 2nd cease and desist demand
Attachments: [Untitled].pdf; Feb12email.pdf

Importance: High

Dear Legal Department:

I am writing in furtherance of my client's February 4, 2014 cease and desist letter regarding the above referenced e-mail account. (Original letter attached hereto). We appreciate your email below.

However, we were recently made aware of further fraudulent conduct via this email account. An email was sent from this email account on February 12, 2014 nearly a week after your correspondence below advising that your Fraud and Abuse Team had "locked [the account] permanently." (See attached February 12 email).

In order to prevent continued harm to my client, we now demand the following:

- 1) Immediate confirmation that the email account has been permanently locked and evidentiary proof of such actions;
- 2) A prompt explanation as to how the imposter was able to use the account on February 12 when it had allegedly been shut down by February 6, 2014 ; and
- 3) A copy of all communications and contracts with the holder/owner of this account, including but not limited to any identifying or contact information.

Best Regards,

Kirsten

Kirsten R. Rydstrom
krydstrom@reedsmith.com
+1 412 288-7284

Reed Smith LLP
Reed Smith Centre
225 Fifth Avenue
Pittsburgh, PA 15222-2716
T: +1 412 288 3131
F: +1 412 288 3063
reedsmith.com

From: 1&1 Legal [<mailto:legal@1and1.com>]
Sent: Thursday, February 06, 2014 8:20 AM
To: Rydstrom, Kirsten R.

Cc: legalnotice@mail.com

Subject: starwood.capital@europe.com

Dear Ms. Rydstrom,

We are in receipt of your cease and desist letter regarding the above referenced e-mail account. Please note we alerted our Fraud and Abuse Team to this matter who reviewed the account and locked it permanently for fraudulent activity. Accordingly, we will consider this matter resolved unless we hear from you on the contrary.

Sincerely,

Legal Department
1&1 Mail & Media, Inc.

EXHIBIT G

Hughes, Clay P.

From: 1&1 Legal <legal@1and1.com>
Sent: Tuesday, February 25, 2014 8:23 AM
To: Rydstrom, Kirsten R.
Cc: legalnotice@mail.com
Subject: starwood.capital@europe.com - 2nd cease and desist demand

Dear Ms. Rydstrom,

Thank you for alerting us to this matter. It seems the account was unlocked by a customer service representative. We have since re-locked the account and made a note that it is to remain permanently locked. Please note, unfortunately we cannot release customer information without a subpoena or similar legal process. If law enforcement is able to provide such document, please request it be addressed as follows:

1&1 Mail & Media, Inc.
c/o Legal Compliance
701 Lee Road, Suite 300
Chesterbrook, PA 19087
Fax: 610-560-1505
Email: legalnotice@mail.com

Sincerely,

Legal Department
1&1 Mail & Media, Inc.

From: Rydstrom, Kirsten R. [<mailto:KRydstrom@ReedSmith.com>]
Sent: Friday, February 21, 2014 6:22 PM
To: '1&1 Legal'
Cc: legalnotice@mail.com
Subject: RE: starwood.capital@europe.com - 2nd cease and desist demand
Importance: High

Dear Legal Department:

I am writing in furtherance of my client's February 4, 2014 cease and desist letter regarding the above referenced e-mail account. (Original letter attached hereto). We appreciate your email below.

However, we were recently made aware of further fraudulent conduct via this email account. An email was sent from this email account on February 12, 2014 nearly a week after your correspondence below advising that your Fraud and Abuse Team had "locked [the account] permanently." (See attached February 12 email).

In order to prevent continued harm to my client, we now demand the following:

- 1) Immediate confirmation that the email account has been permanently locked and evidentiary proof of such actions;
- 2) A prompt explanation as to how the imposter was able to use the account on February 12 when it had allegedly been shut down by February 6, 2014 ; and
- 3) A copy of all communications and contracts with the holder/owner of this account, including but not limited to any identifying or contact information.

Best Regards,

Kirsten

Kirsten R. Rydstrom
krydstrom@reedsmith.com
+1 412 288-7284

Reed Smith LLP
Reed Smith Centre
225 Fifth Avenue
Pittsburgh, PA 15222-2716
T: +1 412 288 3131
F: +1 412 288 3063
reedsmith.com

From: 1&1 Legal [<mailto:legal@1and1.com>]
Sent: Thursday, February 06, 2014 8:20 AM
To: Rydstrom, Kirsten R.
Cc: legalnotice@mail.com
Subject: starwood.capital@europe.com

Dear Ms. Rydstrom,

We are in receipt of your cease and desist letter regarding the above referenced e-mail account. Please note we alerted our Fraud and Abuse Team to this matter who reviewed the account and locked it permanently for fraudulent activity. Accordingly, we will consider this matter resolved unless we hear from you on the contrary.

Sincerely,

Legal Department
1&1 Mail & Media, Inc.

* * *

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

* * *

To ensure compliance with Treasury Department regulations, we inform you that, unless otherwise indicated in writing, any U.S. Federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or applicable state and local provisions or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein.

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